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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,455	11/19/1999	KONRAD WEGENER	852/48374	7275

7590 05/27/2003

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EXAMINER

EDMONDSON, LYNNE RENEE

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 05/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/443,455

Applicant(s)

WEGENER ET AL.

Examiner

Lynne Edmondson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6, 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9,12-14,18-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 10,11,15-17 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 3 and 4 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims are dependent from canceled claim 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 8, 9, 12-14, 18-21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Feygin et al. (USPN 5876550).

Feygin teaches a process for forming three dimensional metal workpieces (col 1 lines 18-26 and col 21 line 66 – col 22 line 19) in a forming system which has at least one forming station (col 26 lines 13-40 and col 26 line 58 – col 27 line 15) and during transport of the workpiece (col 26 lines 13-40 and col 27 lines 1-34) within the system carrying out energy beam machining with a local energy beam device which is movable

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(col 5 line 58 – col 6 line 23 and col 26 lines 13-40). Then energy beam device is movable in at least one linear direction (XYZ) and tiltable so as to produce a substantially perpendicular beam wherein workpieces are transported to and from each station (col 30 lines 5-33) wherein welding is performed with a local energy feed of energy from a laser source. The forming system operates at a predetermined cycle (col 27 lines 15-17). The beam machining is sandblasting (col 6 lines 20-23), laser machining, liquid jet machining, cutting, removal (col 17 lines 1-8) or welding (col 22 lines 46-53). The workpiece is situated on a depositing element (platform, col 6 lines 50-56). Multiple machining elements are present (col 38 lines 40-61). The transport device comprises separate slide blocks (sliders 31, col 23 lines 31-40) with an adjusting element (22,23, col 24 lines 12-24). The device comprises a separate, programmable manipulating device (col 5 lines 28-45, col 6 lines 57-67, col 38 line 40 – col 41 line 7). At least one machining element is a laser head, which is moveable along a linear guide (col 23 lines 31-40, col 27 lines 16-32, col 30 lines 5-33 and col 38 lines 40-61). See also Feygin claims 3, 6, 12, 15-17, 19 and 23.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-6 and 8-25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 10, 11, 15-17 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art teaches the invention essentially as claimed but does not teach an intermediate depositing device, suction bridge or manipulation device with a stroke element. See Feygin (USPN 5876550).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Britnell (USPN 5961858, tilting laser head), Kimbrell (USPN 3656385), Pryor (USPN 5380978, laser cutting/machining angles into sheet metal, stations) and Nashiki (USPN 5359872, station, forming contoured metal parts, laser).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (703) 306-5699. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

Lynne Edmondson

~~Patent~~ Examiner

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A handwritten signature in cursive script, followed by the date "5/24/03".

LRE
May 21, 2003